

## **REMARKS**

### **Examiner Interview**

Applicant thanks the Examiner for the courtesy of the telephone interview on March 19, 2008 in which the Applicant discussed possible claim amendments and the prior art. No agreement as to patentability was reached.

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. In particular, Applicant claims that the on-site media service data includes data from an off-site broadcaster that instructs an on-site media system to record the content data. No new matter has been added as a result of these amendments because support for the amendments can be found, *intra alia*, on page 11, lines 13-16, page 12, lines 11-15, and page 41, lines 1-11.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103***

#### **Claims 16, 18-20, 23, 25 and 28-29**

Claims 16, 18-20, 23, 25 and 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks, et al., U.S. Patent 5,798,785 (previously cited) in view of Barton, et al., U.S. Patent 6,233,389 (previously cited) and Grossman et al., U.S. Patent No. 5,798,785.

Hendricks discloses a system that delivers television programs to a reprogrammable set top terminal. The system includes a computer assisted packaging system used at the operations center to package the television programs provided to the users. The television program package further includes program control information such as program categories, menu data, pricing, etc. An operations center sends the television program package to the set top terminal. The terminal presents menus to the viewer suggesting programs to view based on the user's indicated preferences.

Barton discloses simultaneously storing and watching different broadcast television programs.

Grossman discloses displaying an image, such as an advertisement, during the time in between channel changes.

Claim 16, as amended, recites on-site media service data that includes data from an off-site broadcaster that instructs an on-site media system to record the content data. While Hendricks is directed to packaging television programs in an operations center and delivering this package to the set top terminal, Hendricks does not teach or disclose sending instructions to the terminal that instruct the terminal to record television programs. Thus, Hendricks cannot be properly interpreted as disclosing on-site media service data that includes data from an off-site broadcaster that instructs an on-site media system to record the content data as claimed.

Because Barton is directed to storing and displaying television programs and does not disclose instructions being sent down to the set top box that instruct the set top box to record these programs, Barton cannot be properly interpreted as teaching or suggesting the claimed element.

Grossman is directed to displaying advertisements during channel and, thus, cannot teach or suggest the claimed element.

Therefore, the combination of Hendricks, Barton, and Grossman cannot render obvious Applicant's claim 16 and claims 18-20, 23, 25 and 28-29 that depend from it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

#### **Claims 21-22, 24 and 26-27**

Claims 21-22, 24 and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Barton, Grossman, and Alexander, et al., U.S. Patent 6,177,931 (previously cited). Alexander qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Alexander is prior art and reserves the right to challenge the reference at a later date.

Alexander discloses an electronic program guide that provides customized presentation of advertisements to the viewer.

Claims 21-22, 24, and 26-27 depend from independent claim 16. Claim 16, as amended, recites on-site media service data includes data from an off-site broadcaster that instructs an on-site media system to record the content data. Because Alexander is directed to displaying advertisements on an electronic program guide, Alexander cannot teach or suggest on-site media service data includes data from an off-site broadcaster that instructs an on-site media system to record the content data as claimed. Therefore, because none of Hendricks, Barton, or Alexander teach or suggest an advertisement enabled in a transition between two programs during a channel change event as claimed, the combination cannot be properly interpreted as disclosing the claimed element.

Therefore, the combination cannot render obvious Applicant's invention as claimed in claim 16 and claims 21-22, 24 and 26-27. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

#### **New Claims**

New claims 41 and 42 have been added. No new matter is added because support for these new claims is found, for example, at p. 2, lines 1-3 and p. 28, lines 4-9. Applicant respectfully submits claims 41 and 42 are allowable for at least the reasons set forth above for claim 16.

### SUMMARY

Claims 16, 18-29, and 41-42 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

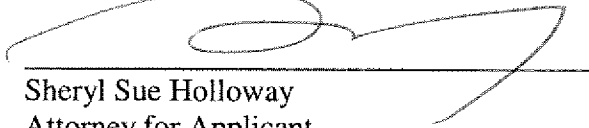
### Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: March 26, 2008



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